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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/717,782 | 11/21/2000 | Nicholas P. De Luca | F-1418-P |

CONFIRMATION NO. 8541
FORMALITIES LETTER

OC00000005915110

Date Mailed: 03/29/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.

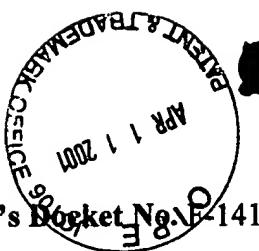
*A copy of this notice **MUST** be returned with the reply.*

M

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney's Docket No. 1418-P

04C

04-04-01

Sector

#6

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nicholas P. De Luca, et al.

Application No.: 09/717,782 Group No. 3721

Filed: November 21, 2000

**For: INFLATABLE, CUSHIONING, BUBBLE
WRAP PRODUCT HAVING MULTIPLE,
INTERCONNECTED, BUBBLE STRUCTURES Examiner: Unknown**

Assistant Commissioner for Patents

Washington, D.C. 20231

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper and any other papers or documents referred to as being transmitted therewith are being deposited with the United States Postal Service on this date APRIL 9, 2001 in an envelope as First Class Mail addressed to: Box M Fee, Assistant Commissioner for Patents, Washington, D.C. 20231.

Sharon S. Feix

Sharon S. Feix

Signature of Person Mailing Paper

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)
Filing Date Granted**

Dear Sir:

Encl. 1 In response to the *Notice to File Missing Parts of Nonprovisional Application* mailed March 29, 2001, please find enclosed (as enclosure 1) a photocopy of a returned post card from the Patent Office mail room which acknowledges the PTO's receipt of the executed Declaration and the \$600.00 filing fee mailed from this office on March 8, 2001, together with a *Completion of Filing Requirements – Nonprovisional Application*.

Response to Notice mailed 3/29/2001
Serial No. 09/717,782
Page 2

Encl. 2 Also enclosed (as enclosure 2) is a copy of the *Completion of Filing Requirements – Nonprovisional Application* mailed March 8, 2001 wherein it was stated on the first page that a *Notice to File Missing Parts* had not yet been received. The executed declaration by the inventors and check No. 10745 for \$600.00 to pay the filing fee are attached to the *Completion of Filing Requirements* document.

Encl. 3 Enclosed as enclosure 3 is an original *Formalities Letter (Confirmation No. 8541)* mailed March 29, 2001 which is to be returned with the enclosed Reply to the *Notice to File Missing Parts*.

With this explanation it is believed that all matters presented in the *Notice to File Missing Parts of Nonprovisional Application* have been responded to and complied with.

Respectfully submitted,

Donald C. Feix

Donald C. Feix
Attorney for Applicant
241 North San Mateo Drive
San Mateo, CA 94401
Telephone: 650-342-4508

Registration No. 19,328
IDON 302565



Box Missing Part Assistant Commissioner for Patents - Washington, D.C. 20231
 Box _____ Assistant Commissioner for TM's - 2900 Crystal Drive, Arlington, VA 22202-3513

The stamp of the U.S. Patent and Trademark Office
herein acknowledges receipt of the following:

Dkt. No. F1418P TM Pat Utility Pat Design Provisional Pat.

Applicant(s) Nicholas De Luca, et al.

Serial No. Patent No. Pending 09/717,784

Filed Nov. 21, 2000

Title Ack Inflatable, Cushioning, Bubble Wrap Product Having
Multiple, Interconnected, Bubble Structure

Transmittal(s) (Pages _____) Assignment

Specifications - Application (Pages _____) Trademark Specimens

Claims (Pages _____) Abstract (Pages _____) Small Entity Statement

Sheet(s) Formal or Informal Drawings Certificate of Mailing

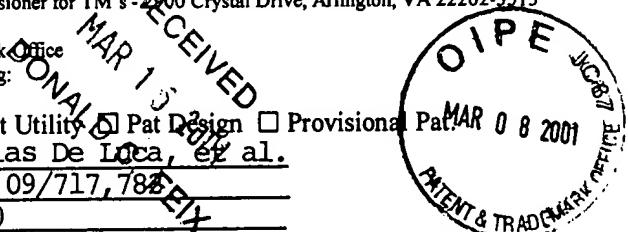
Declaration & Power of Attorney (7 pages) 37 CFR 1.8A

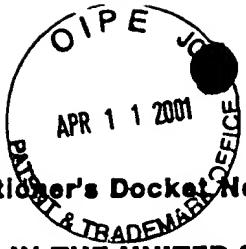
37 CFR 1.10

Other: Completion of Filing Requirements - Nonprovisional app

Check No. 10745 Amount \$600.00 For: filing fee, 2 mos.
ext. and surcharge

Date Mailed: March 8, 2001 Express Mail Label: EK846489936US
SF DCF





Practitioner's Docket No. F-1418-P

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nicholas De Luca, et al.

Application No.: 09 / 717,782 Group No.:

Filed: Nov. 21, 2000

Examiner:

For: Inflatable, Cushioning, Bubble Wrap Product Having Multiple, Interconnected, Bubble Structure

Box Missing Part

Assistant Commissioner for Patents

Washington, D.C. 20231

**COMPLETION OF FILING REQUIREMENTS
— NONPROVISIONAL APPLICATION**

(check and complete this item, if applicable)

- I. This replies to the Notice to File Missing Parts of Application (PTO-1533)
mailed _____

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

- A Notice to File Missing Parts of Application has not been received by applicant.

CERTIFICATION UNDER 37 C.F.R. § 1.10*

(Express Mail Label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this paper is being deposited with the United States Postal Service on this date March 8, 2001, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EK846489936US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Sharon S. Feix

(type or print name of person mailing paper)

Sharon S. Feix

Signature of person mailing paper

(Completion of Filing Requirements — Nonprovisional Application [5-1]—page 1 of 6)

DECLARATION OR OATH

- II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct Inventor or Inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(l)(1).

OR

- The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete Item VI(3) below.

NOTE: The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

- "(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
- "(B) serial number and filing date;
- "(C) attorney docket number which was on the specification as filed;
- "(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
- "(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the Inventor(s) executed by signing the oath or declaration."

M.P.E.P. § 601.01(a), 7th Ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

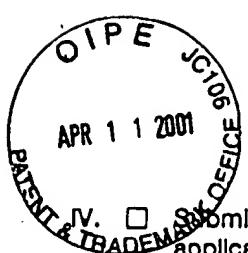
(complete (c) or (d), if applicable)

Attached is a

- (c) Statement by a registered attorney that the application filed in the PTO is the application that the Inventor executed by signing the declaration.
- (d) Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

- III. Cancel claims _____ Inclusive.



TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete Item VI(5) below.

NOTE: A non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. § 1.69(b).

SMALL ENTITY STATUS

V.

A statement that this filing is by a small entity

(check and complete applicable items)

Small Entity Status (37 CFR 1.27) - FORMS NO LONGER REQUIRED (Eff. Sept. 8, 2000):

- Mere written assertion (e.g., use check box on Application Transmittal Forms) is acceptable

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).

1. Filing fee

- | | |
|--|----------------------|
| <input checked="" type="checkbox"/> original patent application (37 C.F.R. § 1.16(a)—\$690.00; Small entity—\$345.00) | \$ 345.00 |
| <input type="checkbox"/> design application (37 C.F.R. § 1.16(f)—\$310.00; small entity—\$155.00) | \$ _____ \$ _____ |

2. Fees for claims

- | | |
|---|----------|
| <input type="checkbox"/> each independent claim in excess of 3 (37 C.F.R. § 1.16(b)—\$78.00; small entity—\$39.00) | \$ _____ |
| <input type="checkbox"/> each claim in excess of 20 (37 C.F.R. § 1.16(c)—\$18.00; small entity—\$9.00) | \$ _____ |
| <input type="checkbox"/> multiple dependent claim(s) (37 C.F.R. § 1.16(d)—\$260.00; small entity—\$130.00) | \$ _____ |

(Completion of Filing Requirements — Nonprovisional Application [5-1]—page 3 of 6)



3. Surcharge fees

- late payment of filing fee and/or late filing of original declaration or oath
(37 C.F.R. § 1.16(e)—\$130.00; small entity—\$85.00); \$ 65.00

NOTE: Even where a facsimile declaration or oath signed by the Inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under § 37 C.F.R. § 1.16(e) is that only one surcharge fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4. Petition and fee for filing by other than all the inventors or a person not the Inventor
(37 C.F.R. §§ 1.17(l) and 1.47—\$130.00) \$ _____
5. Fee for processing an application filed with a specification in a non-English language
(37 C.F.R. §§ 1.17(k) and 1.52(d)—\$130.00) \$ _____
6. Fee for processing and retention of application
(37 C.F.R. §§ 1.21(l) and 1.53(d)—\$130.00) \$ _____
7. Assignment (See "ASSIGNMENT COVER SHEET".)

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(l) and this, as well as, the changes to 37 C.F.R. §§ 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(l) must be paid.

Total completion fees \$ 410.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

| Extension (months) | Fee for other than small entity | Fee for small entity |
|--|------------------------------------|-------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input checked="" type="checkbox"/> two months | \$ 380.00 | \$ 190.00 |
| <input type="checkbox"/> three months | \$ 870.00 | \$ 435.00 |
| <input type="checkbox"/> four months | \$ 1,360.00 | \$ 680.00 |

Fee: \$ 190.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 190.00

or

- (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s) \$ 410.00

Extension fee (if any) \$ 190.00

Total Fee Due \$ 600.00

PAYMENT OF FEES

IX.

Enclosed is a check in the amount of \$ 600.00

Charge Account No. _____ In the amount of \$ _____

A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

Please charge Account No. _____ for any fees that may be due by this paper

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 06-0510

37 C.F.R. § 1.16(a), (f) or (g) (filling fees)

37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid for these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))
- 37 C.F.R. § 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

- 37 C.F.R. § 1.18 (Issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

Donald C. Feix

SIGNATURE OF PRACTITIONER

Reg. No. 19,328

Donald C. Feix

(type or print name of practitioner)

Tel. No.: (650) 342-4508

241 North San Mateo Drive

P.O. Address

Customer No. IDON 302 565

San Mateo, CA 94401

Donald C. Feix - A professional
241 North San Mateo Drive
San Mateo, CA 94403-2509
(650) 250-4569

Well Fargo

10745

3/8/2001

\$600.00

TO THE ASSISTANT COMMISSIONER OF PATENTS & TRADEMARKS:

ORDER OF THE COMMISSIONER OF PATENTS & TRADEMARKS:

Six Hundred and One (601) Filing Fees

ASSISTANT COMMISSIONER OF

PATENTS

WASHINGTON, D.C. 20231

F1418P filing fees + ext. time surcharge

"10745" "1210428821016 5042649"



POST CARD

DONALD C. FEIX
A PROFESSIONAL CORPORATION
241 NORTH SAN MATEO DRIVE
SAN MATEO, CA 94401



Box MISSING Part Assistant Commissioner for Patents - Washington, D.C. 20231
 Box _____, Assistant Commissioner for TM's - 2900 Crystal Drive, Arlington, VA 22202-3513
The stamp of the U.S. Patent and Trademark Office
herein acknowledges receipt of the following:

Dkt. No. F1418P □ TM Pat Utility □ Pat Design □ Provisional Pat.

Applicant(s) Nicholas De Luca, et al.

Serial No. DEMA00000009/717,782

Filed Nov. 21, 2000

Title Multiwall Inflatable, Cushioning, Bubble Wrap Product Having

Multiple, Interconnected, Bubble Structure

Transmittal(s) (Pages _____)

Assignment

Specifications - Application (Pages _____)

Trademark Specimens

Claims (Pages _____)

Small Entity Statement

Sheet(s) Formal or Informal Drawings

Certificate of Mailing

Declaration & Power of Attorney (7 Pages)

37 CFR 1.10

Other: Completion of Filing Requirements - Nonprovisional app

Check No. 10745 Amount \$600.00 For: filing fee, 2 mos.

Date Mailed: March 8, 2001 Express Mail Label: ER846489936US

Patent DCF

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